



June 10, 2021

Rachel Damiano



RE: Investigation Findings and Recommendation for Termination

Dear Rachel,

An investigation was conducted by Bill Landis at the request of the District regarding the allegations that you violated several District Policies – the findings of which you received a copy of this morning and are included below.

**“ALLEGATION #1:** In March/April of 2021, it is alleged that Grants Pass School District 7 North Middle School Assistant Principal Rachel Damiano was involved in a campaign of a political nature non-sanctioned by Grants Pass School District 7 where Ms. Damiano is alleged to have:

- A. Used District facilities, equipment or supplies in connection with the political campaign. **“SUSTAINED”-** Grants Pass School District 7 policy GBG “Staff Participation in Political Activities” (Exhibit 6D) states that **“No employee will use district facilities, equipment or supplies in connection with political campaigning, nor will any employee use any time during the working day for campaign purposes.”** Grants Pass School District 7 policy IIBGA-AR “Electronic Communications System Acceptable Use Regulation” (Exhibit 6E) states that **“Attempts to use the District network for Transmission of any materials regarding political campaigns is strictly prohibited.”** The stated purpose of the “I Resolve” campaign was to address gender identity policies as was stated in their video and message. The “I Resolve” campaign stated in the video that it was specifically targeting the Equality Act, Oregon Senate Bill 52, and other legislation that was in the process of being voted on, developed, or proposed in legislative bodies at the Federal, State, and local levels as the “I Resolve” video explains. In the video, Ms. Damiano and Ms. Medart ask that viewers reach out to contact Senators where the next vote is scheduled and attend an ODE meeting that was scheduled for April 15<sup>th</sup>, 2021 in order to have their voices heard lobbying for support of the “I Resolve” resolutions that would modify or change the pending legislation as it had been written.

Ms. Damiano admits to using District 7 resources to include email, computers, and possibly printers however she states she doesn’t recall in many of her answers when asked for specifics. The numerous email Exhibits under Exhibit 4 which included Google Docs associated with “I Resolve” and the proposed resolution, shows that Ms. Damiano used District 7 computers, email, school property, and Google Docs to share or communicate regarding the “I Resolve” campaign with staff and persons inside and outside of School District 7. While Ms. Damiano did not like referring to “I Resolve” as a political campaign, her efforts both in the video regarding legislation and through the stated purpose of “I Resolve” showed it was a political campaign. This was specifically demonstrated in emails she sent to Daily Wire host Ben Shapiro (Exhibit 4H) and another

to Mr. Reynolds of the American Legislative Exchange Council (Exhibit 4I) to gain support for the "I Resolve" resolutions using District 7 School resources. The goal of "I Resolve" was to influence legislators regarding pending policies and legislation effecting gender identity issues with their own resolution that would define who could use what bathrooms based on one's anatomy, legislate the use of names and pronouns for gender identity students, and require parents be involved in a student's gender identity journey. It should be noted that this allegation would not have been sustained had Ms. Damiano have chosen to not use District 7 facilities, email, equipment, or supplies for her "I Resolve" campaign.

- B. Used time during her working day for political campaign purposes. **"SUSTAINED"**- Grants Pass School District 7 policy GBG "Staff Participation in Political Activities" (Exhibit 6D) states that *"No employee will use district facilities, equipment or supplies in connection with political campaigning, nor will any employee use any time during the working day for campaign purposes."* As stated under Allegation 1A above, the "I Resolve" campaign was determined to be a political campaign. Date and time stamps on emails shown in Exhibit 4A through 4E as well as Ms. Damiano's uncertain recollection but admitted use of email during her workday to communicate regarding "I Resolve" supported this finding. Exhibits 4A and 4B were emails sent to outside persons on March 11<sup>th</sup>, 2021 at 1:31 PM and 10:51 AM which was a school workday and were titled "file" and "Design" related to t-shirts and color choices for "I Resolve." Ms. Damiano also admitted using District 7 computers to work on "I Resolve" although unable to recall if she used District 7 printers. Without a forensic computer analysis there is no way to quantify the actual time spent during her workday on the "I Resolve" campaign. The policy does not require a certain amount of time in order to be a violation. It states: *"nor will any employee use any time during the working day for campaign purposes"* which did occur on more than one occasion. Had Ms. Damiano not utilized time during her workday for the "I Resolve" campaign this would not have been a violation.
- C. Failed to designate that the viewpoints she represented on the issues involved in the political campaign, were her personal viewpoints and not that of District 7. **"SUSTAINED"**- Grants Pass School District 7 policy GBG "Staff Participation in Political Activities" (Exhibit 6D) states that *"On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal viewpoints and are not to be interpreted as the district's official viewpoint."* As stated under Allegation 1A, the "I Resolve" campaign was determined to be a political campaign. In the "I Resolve" video, Ms. Damiano identifies herself by stating: *"Hi, I'm Rachel and I am an administrator assistant principal in Southern Oregon at the middle school level. I've also worked at the high school level, was previously a math teacher, and I've been working with youth for over a decade now in various roles in education. And then in as a coach as well. I do not have any children of my own yet, but I do work with youth and that has been a passion of mine for a very long time now."*

Ms. Damiano doesn't introduce herself as a private citizen but rather a Southern Oregon Middle School administrator giving her first name. While she did not say Grants Pass District 7, She at no time in the video states that the views expressed are that of her own and not that of District 7 or any similar type of statement. A simple internet search using "Rachel southern Oregon middle school assistant principal" finds an article identifying Rachel Damiano and her full name, North Middle School, District 7, when she was hired in August of 2020 <https://spoonoregon.com/southern-oregon/517035/gp-district-7-welcomes-damiano-as-new-vice.html>. Additionally, Ms. Damiano used District 7 email for communications for "I Resolve" to both persons inside of District 7 and outside the District which identified herself as associated with School District 7 with no disclaimer. The media coverage (Exhibits 5A-5E) shows how District 7 was intertwined with Ms. Damiano and the "I Resolve" campaign. The media coverage had no statements by Ms. Medart or Ms. Damiano that made it clear that the "I Resolve" campaign was not affiliated with District 7.

Ms. Medart did tell me in my interview with her on May 13<sup>th</sup>, 2021 that there was a disclaimer on the video associated with YouTube. I did find a disclaimer on the YouTube site that, if a viewer used a drop-down box prior to playing the video, it could be seen. This however was not initially with the video as Ms. Medart admitted in her interview with Dan Huber-Kantola on April 6<sup>th</sup>, 2021 when she told him that it had been added later. The "I Resolve" video itself has no information where a viewer would know the campaign isn't associated with the District as nothing is stated. In the opening statements of the video, Ms. Damiano can be heard saying: "I Resolve" and "We Resolve." This was described in one of Ms. Damiano's statements which she felt showed it was made clear.

The word "We" however, could have been construed by a viewer as inclusive of the District. The amount of email complaints, complaints from District 7 employees, and publicity associated shortly after the video and website were published to social media and the internet were representative of how controversial the "I Resolve" proposals and campaign were. Had Ms. Damiano been clear that the expressed views in the "I Resolve" video and campaign were not those of District 7 then this would not have been a violation of District 7 policy.

- D. Used social media and public websites in such a manner that it disrupted the school environment. **"SUSTAINED"** – Grants Pass School District 7 policy GCAB "Personal Electronic Devices and Social Media-Staff (Exhibit 6C) states that *"Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school."* It is clear from the complaints received that the "I Resolve" video posted on YouTube and Facebook, as well as the "I Resolve" website, that a substantial disruption in school occurred. This included student protests (Exhibit 5E), staff complaints, citizen complaints, division among the staff, and was interpreted by some who would be affected by the "I Resolve" resolution as disrespectful.
- E. Posted confidential information about a student on social media and a public website. **"NOT SUSTAINED"** – Grants Pass School District 7 policy GCAB "Personal Electronic Devices and Social Media-Staff (Exhibit 6C) states that *"Staff members, while on duty and off duty, will utilize social media websites, public websites, and blogs: in a professional manner by not posting confidential information about students, staff or district business."* In the "I Resolve" video which was posted on social media and a public website, Ms. Medart speaking to Ms. Damiano, disclosed an incident [REDACTED] [REDACTED] [REDACTED] information matched Ms. Medart's disclosure in the "I Resolve" video [REDACTED] This was corroborated by Principal Tommy Blanchard [REDACTED]

Ms. Medart in my interview recanted the story as being truthful and gave unclear responses to my questions stating that in looking back it was hypothetical although she seemed to indicate she initially believed the story as truthful. [REDACTED] what Ms. Medart said occurred [REDACTED] approximate time that Ms. Medart said it had occurred. [REDACTED] or others viewing the "I Resolve" video as did happen with [REDACTED], would have identified the [REDACTED] who Ms. Medart spoke of even if she now claimed it was hypothetical. Ms. Damiano was not employed by District 7 during the previous school year when this occurred. Ms. Damiano reported that her understanding was that Ms. Medart's story

regarding [REDACTED] in the "I Resolve" video was hypothetical and not based upon an actual student. There is nothing to sustain this allegation as it is unknown what Ms. Damiano knew and when she knew it to determine if this policy was violated.

- F. Created a "bias incident" where her actions as a District employee with regards to the political campaign/movement involved behavior or language which was derogatory and directed at those persons and or students "sexual orientation." **"NOT SUSTAINED"** – Grants Pass School District 7 policy "ACB" (Exhibit 6B) states that **"Bias Incident" means a person's hostile expression of animus toward another person or group of person's, relating to the other person's or group's distinguished, or perceived to be distinguished, race, color, religion, sex, gender identity, sexual orientation, disability or national origin"** It is not clear if Ms. Damiano's "I Resolve" campaign was "a hostile expression of animus toward those who use a different gender identity. The "I Resolve" campaign is an attempt to change legislation and policies affecting gender identity. Individuals may perceive her actions as biased which is understandable. However, it is not clear based upon the language of the listed policy that her actions constituted a "bias incident" as there weren't enough facts to positively conclude if the allegation was unfounded or in fact was sustained and did occur.

In reviewing Ms. Damiano's job classification (Exhibit 6F), based upon the facts including conduct, I find she failed to meet the standards in her job description under essential duties and responsibilities which included:

- Establish and maintain effective relationships with students, parents, and staff to promote quality instruction and a healthy school climate
- Communicate and collaborate with students, parents, teachers, staff, community, and when appropriate, other agencies to promote an open and participatory school environment
- Be knowledgeable of the building's philosophy and establish effective human relationships among students, parents, and teachers, such that results in positive school climate and quality instruction

**Commentary:** - The allegations listed were investigated and based upon the facts received, District 7 policies, and Ms. Medart's job description, the "Findings" were determined based upon those factors."

Based on the four (4) sustained Policy violation findings listed above, I am recommending to Superintendent Kolb that he terminate your employment as an Assistant Principal, with Grants Pass School District No. 7. A pre-termination hearing has been scheduled with Superintendent Kirk Kolb for Monday, June 21, 2021 at 9 A.M at the District Office. You are welcome to bring a representative with you to that hearing.

Respectfully,



Sherry Ely  
Chief Finance & Operations Officer

CC: Mr. Kirk Kolb, Superintendent  
Mr. Danny Huber-Kantola, Human Resources Director  
Mr. Tommy Blanchard, Principal, North Middle School